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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/903,787      | 07/13/2001  | Masumi Sato          | 211432US2           | 1486             |

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EXAMINER

BRASE, SANDRA L

ART UNIT PAPER NUMBER

2852

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/903,787

Applicant(s)

SATO ET AL.

Examiner

Sandra L. Brase

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5-7 and 10-19 is/are allowed.
- 6) ☒ Claim(s) 8 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 21 March 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto (JP 11-095519) in view of Yoshida et al. (US 5,602,633).

Fujimoto (...519) discloses a color image forming apparatus comprising: a transfer belt (213) which feeds a transfer member (P); a plurality of image forming units (Pa, Pb, Pc and Pd), which are disposed facing towards the transfer belt (figure 1), wherein each of the image forming units form a desired image and sequentially transfers the formed image on the transfer member fed by the transfer belt device ([0026]-[0028]); and where the transfer belt device at least in a portion in which the image forming units have been disposed is arranged such that it is inclined

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with respect to the ground (figure 1). Each of the image forming units includes, a rotary image carrier (222a, 222b, 222c and 222d); and a developing unit (224a, 224b, 224c and 224d) which develops a latent image formed on the image carrier with a toner is located in a lower right quadrant when the transfer belt device in the image forming unit is positioned in a lower left quadrant as viewed in an axial direction in which the image carrier is rotated (figure 1).

However, the features mentioned previously, but does not disclose that a cleaning unit of one image forming unit is partly overlapped by an adjacent developing unit of another image forming unit. Yoshida et al. (...633) disclose a plurality of image forming units, where the cleaning unit of one image forming unit is partially overlapped by an adjacent developing unit of another image forming unit (figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a cleaning unit of one image forming unit is partially overlapped by an adjacent developing unit of another image forming unit of Fujimoto (...519) since such a configuration, as disclosed by Yoshida et al. (...633), requires less space than a non-overlapping configuration.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto (JP 11-095519) in view of Yoshida et al. (US 5,602,633) as applied to claim 8 above, and further in view of Reese et al. (US 5,272,510).

Fujimoto (...519) in view of Yoshida et al. (...633) disclose the features mentioned previously, but do not disclose the claimed waste toner container. Reese et al. (...510) disclose a waste toner container (24) containing therein a waste toner recovered by a cleaning unit, where the waste toner container is located at a bottom portion of an image forming apparatus under a

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transfer device, and is formed into a substantial triangle in cross section (figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the claimed waste toner container so that waste toner can be easily removed from the apparatus, as disclosed by Reese et al. (...510).

***Allowable Subject Matter***

5. Claims 1-3, 5-7 and 10-19 are allowed.

***Response to Arguments***

6. Applicant's arguments filed 3/21/03 have been fully considered but they are not persuasive.

7. Applicant argues that there is no teaching of the overlapping feature contained in claim 8 by either Fujimoto (JP 11-095519) or Yoshida et al. (US 5,602,633). However, this is incorrect, as explained above, Yoshida et al. (...633) disclose this feature.

***Final Rejection***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

*Contacts \ Inquiry*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (703) 308-0725.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on (703) 308-1373. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3431 or 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Sandra L. Brase  
Primary Examiner  
Art Unit 2852

June 2, 2003